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DEC 13 2004 Docket No. 3250.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/719,864  
Applicant(s): Kelly  
Filed: November 20, 2003  
TC/A.U. 3643  
Examiner: Swiatek  
  
Docket No. 3250.002  
Customer No. 26375  
Confirmation No. 3077

DECLARATION OF CASEY L. KELLY  
UNDER 37 CFR 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Casey L. Kelly, declare as follows:

1. I am the inventor of the invention claimed in the above-identified application, i.e. US Serial No. 10/719,864 (herein the '864 application).

2. The invention described and claimed in the '864 application was conceived and reduced to practice by me

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while I was employed by Vettec, Inc. as a Territory Manager, well prior to April 6, 2001, which is the earliest effective filing date of both USPN 6,497,292 (herein the '292 patent) and USPN 6,505,686 (herein the '686 patent).

3. My position as a Territory Manager at Vettec, Inc. included meeting with prospective and current clients of Vettec, Inc. and demonstrating and selling products produced by Vettec, Inc. to such clients. My position as a Territory Manager at Vettec, Inc. did not include product development.

4. While employed by Vettec, Inc., I worked with Frank Rovelli also of Vettec, Inc.

5. Frank Rovelli, the named inventor of the '292 patent and the '686 patent, derived the invention taught in the '292 patent and the '686 patent from me.

6. I was not consulted by Frank Rovelli or Vettec, Inc. prior to, during, or after the pendency of the '292 patent and the '686 patent.

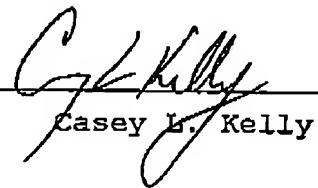
7. I have not assigned any patent rights to Frank Rovelli or Vettec, Inc.

8. An application was prepared and filed on my behalf to cover at least the inventive material derived from me and patented by Frank Rovelli in the '292 patent and the '686 patent.

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9. As previously disclosed to the United States Patent Office in the "Letter to Commissioner for Patents" dated December 12, 2004 (attached hereto as Exhibit A), I instructed my patent counsel to copy claims from the '292 patent and the '686 patent into my currently pending '864 application for the purposes of invoking an interference so that issues pertaining to inventorship in the above matter may be resolved.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.



Casey L. Kelly

Dated: 12/13/04

Attachments: Exhibit A

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